

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Civil) No(s).26140/2011

M/S KAUSHIK COOP BUILDING SOCIETY

Petitioner(s)

VERSUS

SARA ABDUL GAFOOR & ORS.

Respondent(s)

(With appln(s) for impleadment, permission to file additional documents and prayer for interim relief and office report)

WITH

SLP(C) NO. 1632 of 2008

(With prayer for interim relief)

SLP(C) NO. 23724-23725 of 2008

(With prayer for interim relief and office report)

SLP(C) NO. 26142 of 2011

(With prayer for interim relief and office report)

SLP(C) NO. 26925 of 2010

(With prayer for interim relief and office report)

SLP(C) NO. 27319-27325 of 2008

(With office report)

SLP(C) NO. 29328 of 2010

(With prayer for interim relief and office report)

SLP(C) NO. 7713 of 2008

(With office report)

Date: 06/08/2012 This Petition was called on for hearing today.

For Petitioner(s)

Ms Praseena E Joseph, Adv.

M/S. Lawyer'S Knit & Co, Adv.

Ms Sakshi Banga, Adv.

Mr. Ejaz Maqbool, Adv.

Mrs. Sudha Gupta, Adv.

Mr.T.V.George, Adv.

Mr M.H.Prasad, Adv.

Ms.T.Anamika, Adv.

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For Respondent(s)

Mr. Ram Swarup Sharma, Adv.

Mrs.D. Bharathi Reddy ,Adv

Mr. Y. Raja Gopala Rao, Adv.
Ms Praseena E Joseph, Adv.
M/S. Lawyer'S Knit & Co, Adv.
Mr Manoj Saxena, Adv.
Dr Kailash Chand, Adv.
Mr K Maruthi Rao, Adv.
Ms Anjani Aiyagari, Adv.

UPON hearing counsel the Court made the following
O R D E R

The ld. Advocate, Mr Abid appearing on behalf of Mrs Sudha Gupta, Advocate-on-record for the petitioner in SLP(C) No. 7713/2008 accepts notice for the same litigant being Sai Nagar Go-operative Housing Society in all connected SLPs wherever such litigant is joined as respondent.

Petitioner in all such SLPs have to provide additional copies of pleadings against proper acknowledgment which is to be filed on record to avoid issuance of further notices, if such litigant is not served in particular SLP till date.

The ld. Advocate, Ms Praseena E Joseph appearing on behalf of Lawyer's Knit & Co for the petitioner in SLP(C) No. 26140/2011, accepts notice for such Society and its members, as stated in order dated 28.7.2009 as well as in IA Nos. 14 and 15 filed by petitioner in SLP(C) No. 23724-23725/2008, in all connected SLPs.

Petitioner of all SLPs has to provide at least onaset of pleadings against proper acknowledgment which is to be filed on record to avoid issuance of further notices,

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specifically disclosing in the filing memo that this service is done for such unserved respondents so as to avoid further complication in future.

In SLP(C) No. 26140 and 26142 of 2011, it has been pointed out that respondent Nos. 14 and 18 are yet not served . So far as respondent No.14 is concerned, since he is one of the legal heirs of original litigant namely, Mehdi Ali and since they are appearing probably through the ld. Advocate, Ms D Bharathi Reddy in connected SLP. Petitioner is permitted to serve advance copy of pleadings for respondent No.14 through the ld. Advocate, Ms D Bharathi Reddy for confirming her appearance in any of the connected SLP for the same litigant.

Petitioner has to take appropriate steps to confirm service upon respondent No.18 and to file proper appearance for respondent No.18 before the next date. In view of the above direction parties have to file proper proof of service on record before 16.8.2012. Registry has to prepare a proper compilation disclosing the position of service and name of the Advocate appearing against each respondent for all the Slps as well as statement that which respondents are common in any of the connected SLP before 21.8.2012.

Registry has to rectify the database so as to disclose correct name of the Advocate when Mr Ram Swaroop Sharma has given No Objection on behalf of ld. Advocate, M/s T.T.K.Deepak & Co.

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Application for direction or any other application if are pending on record, Advocate may take appropriate steps for mentioning before the main Court.

After passing such order, at the end of the Board the ld. Advocate, Ms Praseena E Joseph appearing on behalf of Lawyer's Knit & Co. has requested that her statement to accept notice as stated hereinabove shall not be recorded since she has been instructed accordingly by her office.

The fact remains that unserved respondents are none but the member of the petitioner, Kaushik Coop. Building Society, through its office bearers. Fact also remains that notices could not be served upon such

members though Society is before the Court through the ld. Advocate-on-record. Such Society being represented through elected officers/office bearers and since such office bearers are elected by such unserved respondents only, it is difficult to understand that how and why Society i.e., an elected member of office is unable to help the judicial process to confirm service upon its own members. It goes without saying that if Society does not take steps to confirm service upon its own members, their petition shall be listed for non-prosecution before the Hon'ble Judge in Chambers and if such members do not accept notice either through registered post or through the local process server, the same can be served even by affixing the notice at the given address, though such exercise may take some time.

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Society must realise and understand that if they fail to complete the procedural part in judicial process at the earliest as aforesaid, such attitude may be placed before the Hon'ble Court in appropriate manner.

List again on 21.8.2012.

		(S.G.SHAH)	
		REGISTRAR	

hj